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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

ENOCH ADAMS, JR., LEROY ADAMS,  
ANDREW KOENIG, JERRY NORTON,  
DAVID SWAN, and JOSEPH SWAN,

Plaintiffs

v.

TECK COMINCO ALASKA INCORPORATED,  
Defendant.

Case No. A04-049 CV (JWS)

**ENOCH ADAMS, JR., LEROY  
ADAMS, ANDREW KOENIG,  
JERRY NORTON, AND  
JOSEPH SWAN'S  
SUPPLEMENTAL EXHIBITS  
(COBCS) IN SUPPORT  
OF MOTION FOR  
PARTIAL SUMMARY  
JUDGMENT AND  
DECLARATION OF LUKE  
COLE**

To assist this Court in answering several of the questions posed in its April 28, 2006 Order from Chambers granting oral argument on plaintiffs' summary judgment motion [docket 128], plaintiffs Enoch Adams, Jr. *et al.* attach Exhibits 308-311, which are the Compliance Orders by Consent ("COBCs") which apply to Teck Cominco Alaska Incorporated's Red Dog mine discharge for the discharge seasons in 2004, 2005, and 2006. These COBCs are directly

relevant to the Court's questions 1, 2, 5 and 7, and will be referred to by plaintiffs' counsel during oral argument scheduled for June 15, 2006. Each document is self-authenticating under F.R.E. Rule 901(b)(7) as a public record from the files of the U.S. Environmental Protection Agency; their receipt by plaintiffs from the U.S. EPA is documented below through the Declaration of Luke W. Cole. For the convenience of the Court and all counsel, plaintiffs will bring hard copies of these supplemental exhibits to oral argument.

Date:

Respectfully submitted,

/S/  
 Luke W. Cole  
 Attorney for Plaintiffs

#### DECLARATION OF LUKE W. COLE

1. I am over 18 years of age and not a party to this action.

2. Attached as Exhibit 308 is a true and correct copy of the Compliance Order by Consent and Request for Information in the Matter of Teck Cominco Alaska Inc., Red Dog Mine, Docket No. CWA-10-2004-0141, as I received it from Eva Chun of the U.S. Environmental Protection Agency. The document was signed on May 7, 2004, by representatives of US EPA and Teck Cominco. There are handwritten annotations at the end of paragraphs 6 and 19 which do not appear to be part of the actual order but were on the copy I received from EPA.

3. Attached as Exhibit 309 is a true and correct copy of the Compliance Order by Consent and Request for Information in the Matter of Teck Cominco Alaska Inc., Red Dog Mine, Docket No. CWA-10-2005-0165, as I received it from Eva Chun of the U.S. Environmental Protection Agency. The document was signed on May 9, 2005, by a representative of US EPA. It is substantively and textually identical to Exhibit 310, although differently paginated.

4. Attached as Exhibit 310 is a true and correct copy of the Compliance Order by Consent and Request for Information in the Matter of Teck Cominco Alaska Inc., Red Dog Mine, Docket No. CWA-10-2005-0165, as I received it from Eva Chun of the U.S. Environmental

1 Protection Agency. The document was signed on May 7, 2005, by a representative of Teck  
2 Cominco. It is substantively and textually identical to Exhibit 309, although differently  
3 paginated.

4 5. Attached as Exhibit 311 is a true and correct copy of the Compliance Order by  
5 Consent and Request for Information in the Matter of Teck Cominco Alaska Inc., Red Dog Mine,  
6 Docket No. CWA-10-2006-0263, as I received it from Eva Chun of the U.S. Environmental  
7 Protection Agency. The document was signed on May 8, 2006, by representatives of US EPA  
8 and Teck Cominco.

9 I declare under penalty of perjury that the foregoing is true and correct. Executed this 13<sup>th</sup>  
10 day of June, 2006 at San Francisco, California.

11  
12 \_\_\_\_\_/S/  
13 Luke W. Cole

14  
15 CERTIFICATE OF SERVICE

16 I certify that on the 13<sup>th</sup> day of June 2006, a true and correct copy of the Supplemental Exhibits in Support of  
17 Motion for Partial Summary Judgment were served via first class mail, postage prepaid, on the following counsel of  
18 record:

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23  
24 \_\_\_\_\_/S/  
25 Luke W. Cole